

ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
TENESA POWELL, ESQ.  
Nevada Bar No. 12488  
AKERMAN LLP  
1635 Village Center Circle, Suite 200  
Las Vegas, NV 89134  
Telephone: (702) 634-5000  
Facsimile: (702) 380-8572  
Email: ariel.stern@akerman.com  
Email: tenesa.powell@akerman.com

*Attorneys for The Bank of New York Mellon  
fka The Bank of New York, as Trustee for the  
Certificate Holders of CWMBS, Inc., CHL  
Mortgage Pass Through Trust 2005-02*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATE HOLDERS OF  
CWMBS, INC., CHL MORTGAGE PASS  
THROUGH TRUST 2005-02, MORTGAGE  
PASS THROUGH CERTIFICATES 2005-02,

Plaintiff,

vs.

SOUTHERN HIGHLANDS COMMUNITY  
ASSOCIATION; SFR INVESTMENTS POOL  
1, LLC,

Defendants.

Case No.: 2:17-cv-02146-JCM-GWF

**STIPULATION AND ORDER TO EXTEND  
DISCOVERY DEADLINES**

[SECOND REQUEST]

Plaintiff The Bank of New York Mellon fka The Bank of New York, as Trustee for the  
Certificate Holders of CWMBS, Inc., CHL Mortgage Pass Through Trust 2005-02 (**BoNYM**),  
Southern Highlands Community Association (**HOA**), and SFR Investments Pool 1, LLC (**SFR**), by  
and through their respective counsel of record, and hereby jointly submit this Stipulation and Order  
to Extend Discovery Deadlines (Second Request) pursuant to LR IA 6-1 and LR 26-4. This is the  
second stipulation to extend the discovery deadlines set by the Scheduling Order (ECF No. 18)  
entered by the Court on October 13, 2017.

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1 **A. STATEMENT SPECIFYING THE DISCOVERY COMPLETED**

2 **1. Rule 26 Disclosures**

3 Plaintiff BoNYM served its Initial Disclosures on September 27, 2017.

4 Plaintiff BoNYM served its First Supplement to Initial Disclosures on October 26, 2017.

5 Defendant HOA served its Initial Disclosures on November 9, 2017.

6 Defendant SFR served its Initial Disclosures on November 20, 2017.

7 Defendant HOA served its First Supplement to Initial Disclosures on November 30, 2017.

8 Plaintiff BoNYM served its Second Supplement to Initial Disclosures on December 12, 2017.

9 Plaintiff BoNYM served its Initial Expert Disclosures on December 21, 2017.

10 Defendant SFR served its Initial Expert Disclosures on December 29, 2018.

11 Defendant SFR served its Rebuttal Expert Disclosure via mail on January 25, 2018.

12 Plaintiff BoNYM served its Third Supplement to Initial Disclosures on February 23, 2018.

13 Defendant HOA served its Second Supplement to Initial Disclosures on March 5, 2018.

14 Defendant SFR served its First Supplement to Initial Disclosures on March 21, 2018.

15 **2. Written Discovery**

16 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests  
17 for production of documents to HOA on October 26, 2017.

18 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests  
19 for production of documents to SFR on October 26, 2017.

20 Defendant HOA served its responses to requests for production of documents, response to  
21 requests for admission and answers to interrogatories on November 30, 2017.

22 Defendant SFR served its responses to requests for admission on November 30, 2017, and  
23 responses to requests for production of documents and answers to interrogatories on December 1,  
24 2017.

25 Defendant SFR served its first set of requests for admission, requests for production, and  
26 interrogatories to BoNYM on January 24, 2018.

Plaintiff BoNYM served its responses to SFR's requests for production of documents, response to requests for admission and answers to interrogatories on February 23, 2018.

Defendant HOA served its first supplement to responses to BoNYM's request for production on March 5, 2018.

### 3. Depositions

BoNYM's Deposition of HOA was taken on February 9, 2018.

BoNYM's Deposition of HOA Trustee Alessi & Koenig, LLC was taken on February 9, 2018.

#### B. STATEMENT OF DISCOVERY REMAINING TO BE COMPLETED

SFR's deposition of BoNYM. The parties reserve the right to conduct any additional discovery.

#### C. REASONS WHY AN EXTENSION IS REQUIRED

BoNYM's deposition was stayed pending this court's decision on BANA's motion for protective order in *Bank of America, N.A. v. Azure Manor/Rancho De Paz Homeowners Ass'n, et al*, D. Nev Case No. 2:16-cv-00764-GMN-GWF. See ECF No. 31. A decision on the *Azure Manor* motion was issued on March 19, 2018. See ECF No. 62 in the *Azure Manor* case. The parties request an extension of discovery to accommodate the scheduling of SFR's deposition of BoNYM. Given counsel and witness availability, the parties anticipate scheduling BoNYM's deposition in late April or early May 2018.

#### D. PROPOSED SCHEDULE FOR ALL REMAINING DISCOVERY

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Discovery Cut-Off:	March 21, 2018	<b>May 30, 2018</b>
Dispositive Motions Deadline:	April 20, 2018	<b>June 29, 2018</b>
Pretrial Order Deadline:	May 21, 2018	<b>July 30, 2018</b>

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**E. CURRENT TRIAL DATE**

The court **has not** yet set a trial date.

Based on the foregoing, the parties respectfully request the court extend the remaining discovery deadlines, as requested above.

The parties make this request in good faith and believe good cause exists for extending these deadlines.

Dated: March 28, 2018

**AKERMAN LLP**

/s/ Tenesa Powell

ARIEL E. STERN, ESQ.

Nevada Bar No. 8276

TENESA POWELL, ESQ.

Nevada Bar No. 12488

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

*Attorneys for The Bank of New York Mellon*

**ALVERSON, TAYLOR, MORTENSEN & SANDERS**

/s/ Adam Knecht

KURT R. BONDS, ESQ.

Nevada Bar No. 6228

ADAM R. KNECHT, ESQ.

Nevada Bar No. 13166

6605 Grand Montecito Parkway, Suite 200

Las Vegas, Nevada 89149

*Attorneys for Southern Highlands Community Association*

**KIM GILBERT EBRON**

/s/ Diana S. Ebron

DIANA S. EBRON, ESQ.

Nevada Bar No. 10580

JACQUELINE A. GILBERT, ESQ.

Nevada Bar No. 10593

KAREN L. HANKS, ESQ.

Nevada Bar No. 9578

7625 Dean Martin Drive, Suite 110

Las Vegas, NV 89139

*Attorneys for SFR Investments Pool 1, LLC*

**ORDER**

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

**DATED:** 3/29/2018